

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE PETITION OF)	
VIVINT SOLAR, INC. FOR A)	PSC DOCKET NO. 15-1358
DECLARATORY ORDER.)	

**PETITION OF THE DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL FOR LEAVE TO INTERVENE**

Pursuant to Rule 21 of the Rules of Practice and Procedure of the Delaware Public Service Commission, the State of Delaware Department of Natural Resources and Environmental Control (“DNREC”) hereby petitions the Commission for leave to intervene as a party in this matter.

In support of its petition for leave to intervene, DNREC states the following:

1. On August 28 2015, Vivint Solar, Inc. filed a petition with the Commission for a declaratory order clarifying that, in offering solar power purchase agreements or solar leases to residential customers in the State of Delaware, neither Vivint Solar, nor its subsidiary Vivint Solar Developer, LLC, nor any of their affiliates, will be regulated by the Commission as a “public utility” under 26 *Del. C.* § 201, or “electric supplier” under 26 *Del. C.* § 1012. The Commission set November 10, 2015, as the deadline for filing petitions to intervene.

2. DNREC is an agency of the State of Delaware, created pursuant to 29 *Del. C.* § 8001, *et seq.* DNREC’s mission “is to ensure the wise management, conservation, and enhancement of the State’s natural resources, protect public health and the environment, provide quality outdoor recreation, improve the quality of life and educate the public on historic, cultural, and natural resource use, requirements and issues.”

3. DNREC's contact information, pursuant to Rule 21(i) of the Commission's Rules of Practice and Procedure, is as follows:

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4. Vivint Solar's petition seeks a declaratory order from the Commission that it is not a "public utility" or "electric supplier" under Delaware law. The docket involves policy issues of interest to the DNREC Division of Energy & Climate.

5. DNREC's interests in the outcome of this proceeding is in ensuring that any Commission Order in this docket is consistent with sound public policy relating to the development of distributed renewable energy.

6. DNREC's interest will not be adequately represented by any of the other parties to this proceeding. The DNREC Division of Energy & Climate has statutory responsibility for the oversight and development of renewable energy markets in Delaware. In that respect, no other participant in this proceeding has the same obligation to promote renewable energy in Delaware.

7. DNREC's participation in the proceeding would be in the public interest. The public relies upon the DNREC Division of Energy & Climate to provide guidance and expertise in developing and managing renewable energy markets in Delaware.

8. For the foregoing reasons, DNREC respectfully requests that it be granted leave to intervene in this proceeding as a party for all purposes.

Respectfully submitted,

/s/ Devera B. Scott

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Attorney for the Department of Natural
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Dated: October 29, 2015

CERTIFICATE OF SERVICE

I certify that on October 29, 2015, I filed the attached *Petition for Leave to Intervene of the Department of Natural Resources and Environmental Control* with the Public Service Commission and served the attached service list in the manner indicated.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Devera B. Scott

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